

HOUSE BILL 2425
By Cobb

AN ACT to amend Chapter 272 of the Acts of 1901; as amended by Chapter 33 of the Acts of 1905; Chapter 381 of the Acts of 1909; Chapter 273 of the Private Acts of 1917; Chapter 461 of the Private Acts of 1919; Chapter 207 of the Private Acts of 1923; Chapter 106 of the Private Acts of 1925; Chapter 572 of the Private Acts of 1937; Chapter 645 of the Private Acts of 1949; Chapter 240 of the Private Acts of 1967; and Chapter 218 of the Private Acts of 1984; and any other acts amendatory thereto, relative to the charter of the Town of Petersburg.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Chapter 272 of the Acts of 1901; as amended by Chapter 33 of the Acts of 1905; Chapter 381 of the Acts of 1909; Chapter 273 of the Private Acts of 1917; Chapter 461 of the Private Acts of 1919; Chapter 207 of the Private Acts of 1923; Chapter 106 of the Private Acts of 1925; Chapter 572 of the Private Acts of 1937; Chapter 645 of the Private Acts of 1949; Chapter 240 of the Private Acts of 1967; and Chapter 218 of the Private Acts of 1984; and any other acts amendatory thereto, being the charter of the Town of Petersburg, is amended by deleting such chapter, as amended in its entirety and by substituting instead the following language to be the charter of the Town of Petersburg:

ARTICLE I – INCORPORATION

Section 1. Incorporation. The town of Petersburg, lying in Lincoln and Marshall Counties, and the inhabitants thereof, be, and are hereby constituted a body politic and corporate under and by the name and style of "The Town of Petersburg," and by that name shall have perpetual succession, and by said corporate name may sue and be sued, contract and be contracted with, grant, receive, purchase and hold real estate, mixed and personal property, and dispose of the same for the use and benefit of said town, and may have and use a common seal and change the same at pleasure.

Section 2. Corporate Limits. The corporate limits of the town of Petersburg, Tennessee, shall be those fixed, defined, and established by Section 2 of Chapter No. 272 of the Acts of 1901, and all acts amendatory thereto, and all annexations made pursuant to general law and all boundaries as now existing.

ARTICLE II – GOVERNING BODY

Section 1. Eligible Voters. Eligible voters shall be either residents of the town, or non-resident owners of real estate of the town. Only qualified voters who are citizens and residents of the town of Petersburg, or who may be owners of real estate in said town, shall be entitled to vote in the election for Aldermen. There is a maximum limit of two non-resident property owners per parcel that may vote in elections for Aldermen.

Section 2. Board Composition. The legislative powers of the town of Petersburg shall be exercised by and vested in the Board of Mayor and Aldermen of said town. The governing body of the town of Petersburg consists of seven (7) Aldermen, each and all of whom shall be residents and qualified voters of the town. The aldermen shall appoint one of their own members as Mayor. The Mayor and six (6) remaining Aldermen shall constitute and compose the Board of Mayor and Aldermen of the town of Petersburg.

Section 3. Elections. Elections are held on the first Thursday of each even numbered year. Beginning with the elections held on August 3, 2006, the seven (7) individuals receiving the highest number of votes shall be declared elected aldermen. The four (4) individuals receiving the highest number of votes shall be elected for a term of four (4) years. The next three (3) individuals receiving the highest number of votes shall be elected for a term of two (2) years. Beginning with the elections held on August 7, 2008, the three individuals receiving the highest number of votes shall be declared elected aldermen for a term of four (4) years. Thereafter, all terms shall be for a period of four (4) years.

In the event of a tie among the aldermanic candidates, the tie shall be decided by a vote of the members of the certified elected board members at the first regularly scheduled meeting following the election.

Section 4. Term of Office. Beginning with the elections held on August 3, 2006, four aldermen will hold terms of office for four (4) years and three (3) aldermen will hold terms of office for two (2) years. With the August 7, 2008, election, all terms of office will be for four (4) years. Board members shall hold their offices until their successors are elected and qualified. Terms of office begin with the next regularly scheduled meeting of the Board following the certification of the election results, except in the event of a tie as described in Article II, Section 3.

Section 5. Quorum. Four (4) aldermen shall constitute a quorum to transact business.

Section 6. Oath of Office. The Aldermen before entering upon their duty as Aldermen, and the Mayor before entering upon his duty as Mayor, shall each take an oath before a Judge or some other person authorized by law to administer oaths, that they will honestly and faithfully discharge the duties of the office without partiality, favor or affection.

Section 7. Mayor. At the next regularly scheduled meeting of the Board following the certification of the election results, the duly elected and qualified Aldermen of the town of Petersburg shall elect by ballot one (1) of their members as Mayor. The mayor serves as the presiding officer, casts the deciding vote when there is a tie, is the chief administrative officer, and executes all contracts as authorized by the Board of Mayor and Aldermen.

The Mayor shall have supervisory duties over all employees. The Mayor shall make recommendations for hiring, firing, promotion, suspension, and demotion of employees to the Board. A majority vote of the aldermen in attendance at that meeting shall be required for the confirmation of the recommendation.

The Mayor is authorized and empowered to call upon any inhabitant of the town to aid in enforcing the laws and ordinances of the town, and preserving the peace and safety of the same during declared emergencies. Any person or persons who shall refuse or willfully neglect to obey such call shall, upon conviction thereof, be fined an amount that does not exceed state authorized maximums.

Section 8. Vice Mayor. At the next regularly scheduled meeting of the Board following the certification of the election results, the duly elected and qualified Aldermen of the town of Petersburg shall elect by ballot one (1) of their members as Vice Mayor. The Vice Mayor shall fulfill the duties of Mayor when he or she is absent from a meeting or otherwise unable to fulfill the duties of the office. The Vice Mayor will have a vote in all matters before the Board.

Section 9. Board Vacancies. The Board of Mayor and Aldermen of the town of Petersburg shall have the power to fill any and all vacancies occurring in the Board for the remainder of the unexpired term whether the vacancies occur on account of death, change of residency, removal, resignation or other cause, even if the vacancies cause the town a lack of a quorum. In the event of the death of the Mayor, or should his office become vacant from any other cause, the Board shall proceed at the first regular meeting thereafter to elect one (1) of its members as Mayor to fill his unexpired term, and shall also elect some other person to fill the vacancy for the unexpired term of the alderman filling the Mayor's term.

Section 10. Ordinances. All ordinances shall begin with the clause, *Be it enacted by the Board of Mayor and Aldermen of the Town of Petersburg, Tennessee*, and shall be introduced in writing. Each ordinance shall be passed on three (3) separate days at regular or special called meetings, except emergency ordinances. In the event an emergency ordinance is required, it may be introduced, considered three (3) times, and approved on all three (3) considerations by unanimous vote of all members of the Board at any meeting. In the event an ordinance is so passed, it shall contain the following provision in the body thereof, immediately following the public welfare clause: "This ordinance was passed unanimously on three considerations, on this the ____ day of _____, _____, the public good and welfare demanding that its passage not be postponed." It shall not be necessary to copy ordinances in the minutes, but reference to them shall be made in the minutes by subject matter. After passage, each ordinance shall be authenticated by the Mayor and signed by the Recorder.

ARTICLE III – MUNICIPAL AUTHORITY GENERALLY

Section 1. General Powers. The Board of Mayor and Aldermen may make all ordinances necessary and proper for executing the powers, rights and privileges specified in this Act, and make all ordinances that they deem necessary for the good order, health, good government and general welfare of the Town of Petersburg, and also for the protection and preservation of any property of the town, and enforce such ordinances by proper fine or other penalties.

The Board of Mayor and Aldermen shall manage and control the finances and all property of the corporation, real, personal and mixed, and may:

(a) Levy and collect taxes upon all property within the corporate limits taxable by law.

(b) License and regulate all persons and firms, corporations, companies and associations engaged in any business, occupation, calling, profession, or trade so long as such licensure or regulation is not forbidden by general law.

(c) Appropriate money and provide for the payment of the debts and expenses of the corporation.

(d) Open, alter, abolish, widen, extend, establish, grade, pave or otherwise improve and keep in repair the streets, alleys, sidewalks, drains and sewers within the corporate limits, and to regulate the same.

(e) Regulate and provide for the construction or repair of sidewalks and foot pavements, and to compel the owners of property upon the public square or any street or alley within the corporate limits to grade and pave the sidewalks and pavements to the whole extent of and along the front of their property, the same to be done in accordance with and pursuant to the provisions of the ordinances so directing, and if the owner or owners of any lot or lots shall fail to comply with the provisions of such ordinance, or ordinances, within such time as may be prescribed thereby, the Board of Mayor and Aldermen may contract for the construction and repair of such sidewalks or pavements, and the town shall pay for the same, and the amount so paid shall be a lien upon said lot or lots, and may be enforced by attachment and sale of said lot or lots in any court of law

or equity, or the amount may be recovered against said owner by suit before any court of competent jurisdiction; should said lien be enforced by attachment proceedings, the affidavit of the Mayor, Chief of Police, or any policeman of said town that said work has been done at the expense of the town and payment for same by town, and stating the amount so paid, and that the same remains unpaid by the owner of the property, shall be sufficient grounds for the issuance of such attachment and enforcing sale of said lot in said attachment proceedings, but the owner or owners of said lot or lots shall, if resident of the State, be served with personal process or notice of said attachment suit, and if non-residents shall be served by publication duly made as required by law in suits by attachment.

(f) Provide for lighting by electricity or otherwise the streets or other public places in the town, and to compel owners of buildings to erect fire escapes, when deemed necessary for the safety of occupants of any building.

(g) Regulate the storage of illuminating oils, gunpowder or other explosive or combustible material, and to regulate or prohibit the use of firearms or fireworks, in accordance with general law.

(h) Prevent the dangerous construction and condition of chimneys fireplaces, hearths, stoves, stove pipes, ovens, boilers and apparatus, and cause the same to be repaired, removed or placed in a secure and safe condition or position.

(i) Establish and designate fire limits.

(j) Prevent and restrain breaches of the peace, fighting, drunkenness or disorderly conduct, and to prevent and punish all disturbances, disorderly assemblages in any streets, house or place in the town, and to arrest and cause the arrest of all vagrants and persons disorderly or drunk, or violators of any ordinance, and punish the offender or offenders by fine, and labor within or without the county jail.

(k) Remove all obstruction from the streets, alleys and sidewalks and curbstones within the corporation, or have the same done, and to prevent and

remove all obstructions and encroachments into or upon all or any streets, pavements, alleys or sidewalks within the corporate limits.

(l) Erect and maintain a work house or jail, and to provide for the regulation and government thereof.

(m) Punish or prohibit the abuse of animals.

(n) Erect hydrants and pumps, to construct cisterns and reservoirs; to lay pipes for the conducting and distributing of water over the town; to keep the same in repair; to lay pipes and conduits for the purpose of bringing water from streams and reservoirs into the town for the use of the inhabitants thereof in such manner and way as shall be deemed to the best interest of the town, and to regulate and fix the price to be charged private consumers of water.

(o) Prevent the introduction and spreading of contagious diseases, and to secure and promote the health of the inhabitants of the town by any means necessary; to regulate or prevent the carrying on of any business or occupation within the corporation which may be dangerous or detrimental to the public health, and to declare, prevent or abate nuisances on public or private property, and the cause thereof.

(p) Lease or sell any of the public utilities, which the Town of Petersburg may at any time own.

(q) Grant franchises or privileges granted to corporations or individuals that shall be limited to twenty-nine years and shall plainly specify in what part or parts of the town the same shall apply. No franchises or privileges shall be granted in general terms or apply to the town generally.

(r) Prohibit by ordinance any act, thing or offense now, or that may hereafter be declared a misdemeanor under state law as authorized under Tennessee Code Annotated, Section 16-18-302(a)(2) and to provide for the punishment of the same.

(s) Take property for the public purpose. When no agreement can be made with the property owners, the town shall make just compensation to the

person or persons whose property is so taken, the amount of such compensation to be ascertained in the manner prescribed by the general law.

(t) Regulate the location, bulk, occupancy, area, lot, location, height, construction and materials of all buildings and structures, and inspect all buildings, lands and places as to their condition for health, cleanliness and safety, and when necessary, prevent their use and require any alteration or changes necessary to make them healthful, clean or safe.

(u) Do all other things necessary or proper for the health, safety, welfare and good order of the town.

ARTICLE IV – OFFICERS AND EMPLOYEES

Section 1. Employees. The Board of Mayor and Aldermen may employ any such person or persons in any of the departments of the town government that the Board deems proper.

Employees who are required to live within the town limits within six (6) months of their appointment include: Recorder, Chief of Police, and Judge.

The Board of Mayor and Aldermen shall prescribe the duties of all such officers, agents and servants.

An oath similar to the one taken by the governing body shall also be taken and be made by employees before entering upon the discharge of their duties.

The Board of Mayor and Aldermen shall fill any vacancy occurring in the position of Recorder, Chief of Police or Judge, or other office provided by the Board, whether the vacancy occurs on account of death, removal, resignation or other cause.

The Board of Mayor and Aldermen shall set the compensation of all employees within the limits of budget appropriations.

The Board may require and fix the amount of bond to be executed by the Recorder as tax collector; to require and fix the amounts of bonds of any other employee of whom the Board of Mayor and Aldermen may see proper to demand bond; also to pass upon the validity and sufficiency of all such bonds and solvency and sufficiency of the securities thereon.

Section 2. City Recorder. The Recorder shall be the collector of taxes of the town, and for that purpose has all the powers of the municipal, county and state tax collector under state law.

The recorder or his designee shall be present at all meetings of the board, and keep a full and accurate record of all business transacted by the board to be preserved in permanent form.

The recorder or the recorder's designee shall have custody of, and preserve in the recorder's office, the town seal, the public records, original rolls of ordinance, ordinance books, minutes of the board, contracts, bonds, title deeds, certificates, and papers, all official indemnity or security bonds (except the recorder's bond, which shall be in the custody of the mayor), and all other bonds, oaths and affirmations and all other records, papers, and documents not required by this charter or by ordinance to be deposited elsewhere, and register them by numbers, dates and contents, and keep an accurate and modern index thereof. All such records shall be the property of the municipality.

The recorder shall provide, copy, and, when required by any officer or person, certify copies or records, papers and documents in the recorder's office. Fees for copying and certification shall be charged as established by ordinance.

Section 3. Police. The Chief of Police, or any police officer of the town of Petersburg shall have power to execute within the corporate limits of the town state warrants and other process which law enforcement officers generally have power to execute, and shall also have the power and authority to immediately arrest without warrant and take into custody any person who commits or attempt to commits in his presence, or within his view, any breach of the peace or offense prohibited by Act of the Legislature, and without delay, upon such arrest, convey such offender or offenders before the proper officer that he may be dealt with according to law.

The Chief of Police or any police officer or member of the police force of the town of Petersburg shall suppress all riots, disturbances and breaches of the peace; apprehend all persons in the act of committing any offense against the ordinances of the

town; and bring such person or persons before the Judge for examination. At all times they shall diligently and faithfully enforce all such ordinances as the Mayor and Aldermen shall provide, and may upon view arrest any person or persons who may be guilty of a breach of such ordinances.

The Chief of Police and the police officers are hereby empowered to serve and execute process in accordance with the requirements of Tennessee Code Annotated, Title 6, Chapter 54, Part 3, and any other applicable provision of general law.

The Chief of Police, and all police officers of the town, are hereby authorized either within or outside of the corporate limits of the town, to serve and execute all process that may be issued by the Court in any proceeding instituted for the enforcement of the ordinances of the town or punishment for the violation thereof, for the collection of any fine, penalty or forfeiture which may be incurred under the ordinances of the town.

Section 4. City Attorney. The Board of Mayor and Alderman may appoint a town attorney to oversee the legal issues pertaining to the town.

ARTICLE V – FINANCE

Section 1. Fiscal Year. Unless otherwise provided by ordinance the town shall operate on a fiscal year beginning July 1 and ending June 30.

Section 2. Budget. The adoption of an annual budget shall be a prerequisite to the appropriation of money for municipal purposes and the levy of property taxes.

At least sixty (60) days before the beginning of the fiscal year the Mayor, with the assistance of the Recorder, shall prepare the following information:

(1) Detailed estimates of all recommended expenditures for each department, board, office or other agency of the town.

(2) A statement of the bonded and other indebtedness of the town and the principal and interest on such, and other contract obligations that will be due in the next fiscal year.

(3) Detailed estimates of all anticipated revenues except property and merchants' ad valorem taxes in the next fiscal year, including, however, an estimate of taxes delinquent in the current or prior years which it is anticipated will be collected in the next fiscal year. Statement of estimated revenues shall also include all State funds that may be received by the town.

(4) A statement of the estimated balance or deficit at the end of the current fiscal year.

(5) A statement of the amount of property and merchants' ad valorem taxes which will be necessary to balance the budget, the total assessment of all taxable property in the town, including merchants' capital, and the proposed tax rate.

(6) A comparative statement of revenues and expenditures for the preceding fiscal year, and of estimated revenues and expenditures at the end of the current fiscal year, with the estimate revenues and expenditures for the next fiscal year, showing increases or decreases by departments.

(7) Such other information as the Board may by ordinance require.

After the Board has studied the tentative budget and made modifications it deems necessary or desirable, the Board shall adopt it on first consideration as the proposed budget.

A public hearing on the proposed budget shall be held before its final adoption by the Board, at such time and place as the Board shall direct, and notice of such hearing shall be posted in at least two public places in the town ten days in advance of the date of the hearing.

After the public hearing the Board may make such modifications in the proposed budget as it considers necessary or desirable, and shall by ordinance adopt it as the budget for the next fiscal year. The budget shall be finally adopted before the beginning of the next fiscal year.

Section 3. Audit. There shall be installed and maintained adequate accounting records in accordance with generally accepted principles of municipal accounting.

Constant and comprehensive budgetary control shall be maintained. A public accountant or certified public accountant chosen by the Board will conduct an audit of the financial affairs of the town after the end of each fiscal year.

ARTICLE VI – TAXATION

Section 1. Property. All property within the Town not exempt by general law shall be assessed for taxation upon the same principles established in regard to state and county taxation. If the town adopts the county assessments, the assessment book of the town shall be prepared from the county assessment books not later than September 1 of each year. The Recorder shall have the same powers and duties to back assess property as the county trustee.

The Board may provide by ordinance the dates taxes shall be due and delinquent and the penalties and interest for delinquencies. If no such provision is made by ordinance, property taxes shall be due and delinquent on the same dates as county taxes and shall be subject to the same penalties and interest.

On December 31 of each year all taxes that have been delinquent more than one year may be certified to a delinquent tax attorney who shall file suit for such taxes as provided by general law.

Section 2. Business Regulation. No person or persons, firm or corporation, shall exercise any occupation, business or employment taxable as a privilege, as provided for in this Act, without first obtaining a license from the Recorder and paying the specified tax laid thereon, and the Recorder's fee. If any person or persons, firm or corporation shall sell any goods or exercise any of said privileges without obtaining the license prescribed, the Recorder shall issue to the Chief of Police, or any police officer of the town, a distress warrant commanding him to levy in case of a privilege a tax double the highest tax imposed upon any privilege, and in other cases a tax double the highest tax upon a similar business, together with the costs and charges by distraining and selling so much of the delinquent's goods and chattels as may be necessary for the purpose, so long as such tax, costs and charges do not exceed a maximum fine of fifty dollars

(\$50.00). Any party or parties, firm or corporation, that violates this section shall be fined an amount that does not exceed state authorized maximums.

The Chief of Police, or police officer to whose hands said distress warrant shall come, shall immediately execute the same by seizing and levying on the goods and chattels of such delinquent, and after so seizing and making the levy shall give ten days' notice of the time and place of sale, and shall sell at public outcry at the time specified in said notice the goods and chattels so seized and levied on unless the owner or owners at or before the time of sale, produce the Recorder's receipt for the tax, cost and charges, in which case the Chief of Police or policeman will immediately deliver the goods to the owner or owners.

ARTICLE VII – COURT

Section 1. Judge. A town Court is hereby established. The Judge is vested with full power and authority to try and punish all persons guilty of a violation of the ordinances of the Mayor and Aldermen of said town; provided, said violation took place within the corporate limits of the town of Petersburg. It is preferable that the judge be a licensed attorney who is certified to practice law in the state of Tennessee.

Section 2. Docket. The municipal judge shall keep a docket, and such other records as may be required by ordinance. The Board of Mayor and aldermen shall by ordinance fix the time for holding court, and provide such rules and regulations for the proper functioning of the court as deemed necessary.

Section 3. Vacancy/Absence of Judge. If the Judge is either, from absence or inability to act, disqualified from sitting in any particular case, the Mayor is authorized to appoint a temporary Judge for a definite time or a particular case, and such person shall have all the powers of the Judge for the term or purpose appointed.

ARTICLE VIII – MISCELLANEOUS

Section 1. Gender. Whenever, in this Charter, "man, men, him, his, he," or their related pronouns may appear either as words or as parts of words, they have been used for literary purposes and are meant in their generic sense "i.e., to include all human kind, both female and male sexes."

SECTION 2. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

SECTION 3. This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the legislative body of the Town of Petersburg. Its approval or nonapproval shall be proclaimed by the presiding officer of the Town of Petersburg and certified to the secretary of state.

SECTION 4. For the purpose of approving or rejecting the provisions of this act, it shall be effective upon becoming a law, the public welfare requiring it. For all other purposes, it shall become effective as provided in Section 3.